

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MYLES KING, <i>Pro Se</i> ,)	Case No.: 1:15 CV 223
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
)	
CAROLYN W. COLVIN,)	
)	
Acting Commissioner of Social Security)	
Administration,)	
)	
Defendant)	<u>ORDER</u>

On February 3, 2015, Plaintiff Myles King (“Plaintiff”) filed a Complaint seeking judicial review of a final decision of the Commissioner of Social Security (the “Commissioner”) (ECF No. 1). The court referred the case to Magistrate Judge George J. Limbert for preparation of a Report and Recommendation (“R&R”). On April 30, 2015, the Commissioner filed an Answer (ECF No. 10) and Transcript of Proceedings (ECF No. 11). Plaintiff’s Brief on the Merits was due by May 30, 2015.

On August 17, 2015, because Plaintiff had not filed a Brief, the Magistrate Judge issued an Order to Show Cause (ECF No. 12), ordering Plaintiff to show cause by August 31, 2015, as to why his case should not be dismissed for want of prosecution. On August 27, 2015, the Magistrate Judge spoke with Plaintiff, who stated that he was planning on filing a Brief. Plaintiff was informed that he was required to file a motion for leave to file the brief *instanter*, and Plaintiff indicated that he would file the brief in that manner. The Magistrate Judge filed his R&R (ECF No. 14) on January 7,

2016, recommending that the court dismiss the action, without prejudice, for want of prosecution.

The Magistrate Judge noted in his R&R that, as of January 7, 2016, Plaintiff had not filed a Brief.

As of the date of this Order, Plaintiff still has not filed a Brief, and no objections to the R&R have been filed. As stated in the Advisory Committee Notes to Rule 72(b) of the Federal Rules of Civil Procedure: “When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” In *Thomas v. Arn*, the Supreme Court stated, “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.” 474 U.S. 140, 150 (1985). Furthermore, by declining to object, the parties have waived the right to appeal the district court’s decision adopting the Magistrate Judge’s recommendation. *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981); *Arn*, 474 U.S. at 155.

The court reviewed the Magistrate Judge’s R&R and finds no clear error. Accordingly, the court adopts as its own the Magistrate Judge’s Report and Recommendation (ECF No. 14) and dismisses without prejudice Plaintiff’s Complaint for want of prosecution.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT

January 28, 2016